

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

19-CR-00145-LJV

ZACHARY ROGERS,

Defendant.

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**MOTION TO UNSEAL DEFENDANT’S SENTENCING MEMORANDUM**

**PLEASE TAKE NOTICE** that upon the attached Affidavit, the United States of America, by Trini E. Ross, United States Attorney for the Western District of New York, and Russell T. Ippolito, Jr., Assistant United States Attorney, of counsel, hereby moves this Court to unseal Defendant’s Sentencing Memorandum, Dkt. 50, for the limited purpose of allowing the United States Office of International Affairs, and the United States Department of State, to investigate the allegations contained therein. Jesse C. Pyle, Esq., attorney for defendant, ZACHARY ROGERS, does not object to this request.

DATED: Buffalo, New York, October 28, 2021.

TRINI E. ROSS  
United States Attorney

BY: s/RUSSELL T. IPPOLITO, JR.  
Assistant United States Attorney  
United States Attorney’s Office  
Western District of New York  
138 Delaware Avenue  
Buffalo, New York 14202  
(716) 843-5843  
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**AFFIDAVIT**

STATE OF NEW YORK     )  
COUNTY OF ERIE         )     SS:  
CITY OF BUFFALO         )

**RUSSELL T. IPPOLITO, JR.,** being duly sworn, deposes and states:

1. I am an Assistant United States Attorney for the Western District of New York assigned to the prosecution of the above-referenced case. This affidavit is submitted in support of a motion to unseal those portions of Defendant's Sentencing Memorandum, Dkt. 50, that were redacted on the public docket.

2. On December 8, 2020, the defendant pleaded guilty to Count Three of the Indictment, which charged a violation of Title 18, United States Code, Section 2252A(a)(5)(B) [possession of child pornography involving a prepubescent minor or minor who had not attained 12 years of age].

3. On October 26, 2021, the defendant filed a sentencing memorandum. Portions of the Defendant's Sentencing Memorandum were redacted from the public docket.

The United States requested an adjournment of the sentencing scheduled on November 4, 2021, Dkt. 48, to investigate allegations made by the defendant in his sentencing memorandum.

4. In order for the United States to investigate the allegations, the United States Office of International Affairs, and the United States Department of State, need an opportunity to review the allegations contained in the Defendant's Sentencing Memorandum. I have spoke with Jesse Pyle, Esq., attorney for ZACHARY ROGERS, and he has no objection to this request.

5. Based on the foregoing, it is respectfully requested that Defendant's Sentencing Memorandum, Dkt. 50, be unsealed for the limited purpose referenced above.

DATED: Buffalo, New York, October 28, 2021.

s/RUSSELL T. IPPOLITO, JR.  
Assistant United States Attorney  
United States Attorney's Office  
Western District of New York  
138 Delaware Avenue  
Buffalo, New York 14202  
(716) 843-5843  
Russell.Ippolito@usdoj.gov

Subscribed and sworn to before me  
this 28<sup>th</sup> day of October, 2021

s/ELLEN KOTSIS  
ELLEN KOTSIS  
Notary Public State of New York  
Commission No. 01KO6360733  
Qualified in Erie County  
My Commission Expire 06/26/2025